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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

**PG&E CORPORATION AND
PACIFIC GAS AND ELECTRIC
COMPANY,**

**PG&E CORPORATION;
PACIFIC GAS & ELECTRIC
COMPANY,
Debtors-Appellants,**

v.

**OFFICIAL COMMITTEE OF
TORT CLAIMANTS, ET AL.
Creditors-Appellees**

Case No. 20-CV-00787-HSG

**STIPULATION AND ORDER TO STAY
APPEAL PENDING SETTLEMENT**

1 Appellants PG&E Corporation and Pacific Gas and Electric Company (“PG&E” or the
2 “Debtors”) and Appellees, the Official Committee of Tort Claimants and the Ad Hoc Committee of
3 Subrogation Claimants, (collectively, the “Parties”), respectfully submit this Stipulation To Stay The
4 Appeal Pending Settlement.

5 WHEREAS, on July 18, 2019, as part of its Chapter 11 proceedings, the Debtors filed a
6 motion to estimate the aggregate value of its wildfire liabilities, including asking the bankruptcy
7 court to decide whether PG&E, as an investor-owned utility, may be held strictly liable under the
8 doctrine of inverse condemnation. *Debtors’ Motion for the Establishment of Wildfire Claims*
9 *Estimation Procedures*, Dkt. No. 3091 (July 18, 2019).¹

10 WHEREAS, on December 3, 2019, the bankruptcy court entered an order holding that the
11 Debtors, as a matter of law, are subject to inverse condemnation liability. *Order on Applicability of*
12 *Inverse Condemnation; Rule 54(b) Certification*, Dkt. No. 4949 at 3 (Dec. 3, 2019) (the “Inverse
13 Condemnation Order”).

14 WHEREAS, on December 19, 2019, the bankruptcy court approved a settlement agreement
15 between the Debtors and the Ad Hoc Group of Subrogation Claim Holders (*Order Authorizing and*
16 *Approving Of Settlement With Subrogation Claimholders*, Dkt. No. 5173 (Dec. 19, 2019)) and a
17 settlement agreement between the Debtors, the Official Committee of Tort Claimants and attorneys
18 representing at least 70% of the victims of the 2017 North Bay Wildfires and the 2018 Camp Fire
19 (*Order Authorizing The Debtors And TCC To Enter Into Restructuring Support Agreement With The*
20 *TCC, Consenting Fire Claimant Professionals, And Shareholder Proponents*, Dkt. No. 5174 (Dec.
21 19, 2019)), resolving PG&E’s wildfire liabilities (collectively, the “Settlement Agreements”).

22 WHEREAS, the Settlement Agreements require the Parties to seek a stay of all estimation
23 proceedings.

24 WHEREAS the Parties sought and were granted a stay of all estimation proceedings before
25 the district court, *Docket Text Order from Judge Donato Staying Estimation Proceedings and*
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27 ¹ All docket entries cited in this petition refer to *In re PG&E Corp. and Pacific Gas and Electric*
28 *Co.*, Case No. 19-30088 (DM) (Bankr. N.D. Cal.), unless specified otherwise.

1 *Vacating All Estimation Hearing Dates and Pre-Hearing Dates*, Case No. 3:19-cv-05257, Dkt. No.
2 276 (N.D. Cal. Dec. 20, 2019).

3 WHEREAS, the Debtors petitioned for a direct appeal of the Inverse Condemnation Order to
4 the Ninth Circuit and were granted a stay of the appellate proceedings by the Ninth Circuit pending
5 settlement, *PG&E Corp. and Pacific Gas & Electric Company v. Official Committee of Tort*
6 *Claimants et. al*, Case No. 20-bk-80017, Dkt. No. 10 (9th Cir. Jan. 31, 2020).

7 WHEREAS, the Settlement Agreements are subject to a variety of conditions, including the
8 confirmation of the Debtors' Chapter 11 Plan of Reorganization and, under the terms, the Settlement
9 Agreements can be terminated for a number of reasons prior to the approval of a Plan.

10 WHEREAS the Settlement Agreements, if finalized, will resolve the underlying dispute in
11 this case and render the Debtors' appeal unnecessary.

12 WHEREAS, the Parties have conferred and agree that, under the terms of the Settlement
13 Agreements and in the interest of judicial economy, all proceedings and deadlines in this action
14 should be stayed pending the finalization of the Settlement Agreements; and

15 WHEREAS, the Parties certify that a copy of this Stipulation has been served on their
16 respective clients.

17 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the
18 Parties, as follows:

19 1. All proceedings and deadlines in the above-captioned action are hereby stayed
20 pending the finalization of the Settlement Agreements.

21 2. In the event that either of the Settlement Agreements are terminated, the Parties will
22 submit a status report to the Court.

23 3. By entering into this stipulation, the Parties do not waive any rights not specifically
24 addressed herein.

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24 *Counsel to the Ad Hoc Group of Subrogation Claim*
25 *Holders*

1 ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))


2 In accordance with Civil Local Rule 5-1(i)(3), I attest the concurrence in the filing of this
3 document has been obtained from the other signatories.

4
5 /s/ Thomas B. Rupp
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15 * * *

16 PURSUANT TO STIPULATION, IT IS SO

17 ORDERED. DATED: February 11, 2020

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19 HAYWOOD S. GILLIAM, JR.
20 United States District Judge
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